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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/506,509

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EXAMINER

IP, SIKYIN

ART UNIT

PAPER NUMBER

1742

MAIL DATE

DELIVERY MODE

06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,509	Applicant(s) OISHI ET AL.	
	Examiner Sikyin Ip	Art Unit 1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-52 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1 is, claims 1 (ingredient (1), 2, 5-7, 19- 22, and 25-26, drawn to a magnesium base alloy pipe containing 0.1-12.0 mass % Al, 3% or higher elongation, and 250 MPa or higher tensile strength.

Group 2 is, claims 1 (ingredient (2), 2, 5-7, 19-22, and 25-26, drawn to a magnesium base alloy pipe containing 0.1-12.0 mass % Al, 3% or higher elongation, and 250 MPa or higher tensile strength.

Group 3 is, Group (1 or 2) and claim 3, drawn to a magnesium base alloy pipe with tensile strength 350 MPa or above.

Group 4 is, Group (1 or 2) and claim 4, drawn to drawn to a magnesium base alloy pipe with tensile strength 250-350 MPa or above.

Group 5 is, Group (1 or 2) and claim 8, drawn to a magnesium base alloy pipe with elongation 12% or above.

Group 6 is, claims 9 (ingredient 1), drawn to a magnesium base alloy pipe having a 0.75 or greater YP ratio.

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Group 7 is, claims 9 (ingredient 2), drawn to a magnesium base alloy pipe having a 0.75 or greater YP ratio.

Group 8 is, Group (6 or 7) and claim 10, drawn to a magnesium base alloy pipe having a 0.75-0.90 YP ratio.

Group 9 is, Group (6 or 7) and claim 11, drawn to a magnesium base alloy pipe having a 0.90 or above YP ratio.

Group 10 is, claims 12 (ingredient 1) and 13, drawn to a magnesium base alloy pipe having a 0.2% proof stress of 220 MPa or above.

Group 11 is, claims 12 (ingredient 2) and 13, drawn to a magnesium base alloy pipe having a 0.2% proof stress of 220 MPa or above.

Group 12 is, claim 14, drawn to a magnesium base alloy pipe having a 10 μm or smaller average grain size.

Group 13 is, claims 15-17, drawn to a magnesium base alloy pipe having fine grains and coarse grains duplex grain structure.

Group 14 is, claim 18, drawn to a magnesium base alloy pipe having a mixed structure which comprises twins and recrystallized grains.

Group 15 is, claim 23, drawn to a magnesium base alloy pipe having about 0.1-12.0 mass % of Al plus about 0.1-2.0 mass % of Mn.

Group 16 is, claim 24, drawn to a magnesium base alloy pipe having about 0.1-12.0 mass % of Al plus at least one element selected from Mn, Zn, and Si.

Group 17 is, claims 27 (magnesium base alloy "A"), 28-33, and 46-52, drawn to a method of manufacturing a magnesium base alloy pipe containing 0.1-12 mass % of Al and steps directed to drawing.

Group 18 is, claims 27 (magnesium base alloy "B"), 28-33, and 46-52, drawn to a method of manufacturing a magnesium base alloy pipe containing 0.1-12 mass % of Al plus at least one element selected from Mn, Zn, and Si and steps directed to drawing.

Group 19 is, claims 27 (magnesium base alloy "C"), 28-33, and 46-52, drawn to a method of manufacturing a magnesium base alloy pipe containing about 1.0-10.00 mass % of Zn and 0.1-2.0 mass % of Zr and steps directed to drawing.

Group 20 is, claims 34 (magnesium base alloy "A") and 35-45, drawn to a method of manufacturing a magnesium base alloy pipe containing 0.1-12 mass % of Al and steps directed to metal pointing step.

Group 21 is, claims 34 (magnesium base alloy "B") and 35-45, drawn to a method of manufacturing a magnesium base alloy pipe containing 0.1-12 mass % of Al plus at least one element selected from Mn, Zn, and Si and steps directed to metal pointing step.

Group 22 is, claims 34 (magnesium base alloy "C") and 35-45, drawn to a method of manufacturing a magnesium base alloy pipe containing about 1.0-10.00 mass % of Zn and 0.1-2.0 mass % of Zr and steps directed to metal pointing step.

The inventions listed as Groups 1-22 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group 1 (claim 1,

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ingredient 1, for example) is obvious in view of JP 02310332 (abstract) accordingly the special technical features linking the groups do not provide a contribution over the prior art and no single inventive concept exists.

The inventions listed as Groups 1-22 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical features such as alloy compositions, properties, and/or steps of each Group do not correspond to each other. Unity does not exist between Groups 1-22.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. §103(a) of the other invention.

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Conclusion

Applicant is reminded that when amendment and/or revision is required, applicant should therefore specifically point out the support for any amendments made to the disclosure. See 37 C.F.R. § 1.121; 37 C.F.R. Part §41.37 (c)(1)(v); MPEP §714.02; and MPEP §2411.01(B).

Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Ip whose telephone number is (571) 272-1241. The examiner can normally be reached on Monday to Friday from 5:30 A.M. to 2:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King, can be reached on (571)-272-1244.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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PRIMARY EXAMINER
ART UNIT 1742

S. Ip
June 6, 2007